

U.S. DISTRICT COURT
DISTRICT OF VERMONT
FILED

2015 NOV 24 PM 2:30

UNITED STATES DISTRICT COURT
FOR THE
DISTRICT OF VERMONT

BY  CLERK
DEPUTY CLERK

WILLIAM MCLAUGHLIN,

Plaintiff,

v.

Case No. 5:15-cv-111

ANDREW PALLITO, NATASHA
METCALF, DAVID FRYE, DOMINIC
DOMATO, RICK BYRNES, DAVID
TURNER, and SGT. JOHNNY PETERS,

Defendants.

**ENTRY ORDER ADOPTING MAGISTRATE JUDGE'S
REPORT AND RECOMMENDATION
(Docs. 9, 15)**

The Report and Recommendation (R&R) of the United States Magistrate Judge was filed on October 27, 2015, recommending that—in light of Plaintiff's Amended Complaint (Doc. 13)—Commissioner Pallito's Motion to Dismiss the original Complaint be denied as moot and without prejudice. (Doc. 15.) Plaintiff has filed an Opposition to the Motion to Dismiss (Doc. 17), but neither party has filed an objection to the R&R, and the time period for doing so has expired.

A district judge must make a *de novo* determination of those portions of a magistrate judge's report and recommendation to which an objection is made. Fed R. Civ. P. 72(b)(3); 28 U.S.C. § 636(b)(1); *Cullen v. United States*, 194 F.3d 401, 405 (2d Cir. 1999). The district judge may “accept, reject, or modify, in whole or in part, the findings or recommendations made by the magistrate judge.” 28 U.S.C. § 636(b)(1); *accord Cullen*, 194 F.3d at 405.

After careful review of the file and the Magistrate Judge's Report and Recommendation, this court ADOPTS the Magistrate Judge's recommendations in full for the reasons stated in the Report. Pallito's Motion to Dismiss (Doc. 9) is DENIED as moot and without prejudice.

SO ORDERED.

Dated at Rutland, in the District of Vermont, this ²⁴th day of November, 2015.



Geoffrey W. Crawford, Judge
United States District Court